

**10815. Misbranding of Pratt's cow remedy. U. S. v. 24 Packages of Pratt's Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14441. S. No. E-3120.)**

On February 12, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 packages of Pratt's cow remedy, remaining in the original unbroken packages at Rosslyn, Va., alleging that the article had been shipped on or about November 30, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.

Misbranding of the article was alleged in substance in the libel for the reason that the labels thereof bore certain statements regarding the curative and therapeutic effect of said article of drugs, as follows, "Pratts Cow Remedy \* \* \* For Barrenness \* \* \* For Calves: For preventing or treating scours \* \* \* For Accidental or Non-Contagious Abortion \* \* \* Contagious Abortion Retained Afterbirth \* \* \* Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of Abortion (Sinking of Calves), Barrenness (Failure to Breed), Retained Afterbirth \* \* \*" which said statements were false and fraudulent in that the article of drugs did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On July 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10816. Misbranding of apples. U. S. v. Clarence Nelson. Plea of guilty. Fine, \$25. (F. & D. No. 14514. I. S. Nos. 10267-t, 10268-t.)**

On May 21, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence Nelson, Green River, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about October 2 and 4, 1920, from the State of Utah into the State of Colorado, of quantities of apples which were misbranded. The article in the first shipment was unlabeled and that in the second shipment was labeled: "Winter Banana Fancy."

Misbranding of the article in each shipment was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10817. Adulteration and misbranding of artificial port wine, blackberry cordial, and non-alcoholic apricot cordial. U. S. v. Charles L. Levy and Ben Arnovitz (Utah Beverage Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 14757. I. S. Nos. 3514-r, 3515-r, 3516-r.)**

On August 22, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles L. Levy and Ben Arnovitz, operating under the firm name of the Utah Beverage Co., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 19, 1920, from the State of Utah into the State of Idaho, of quantities of articles labeled in part, "Non-alcoholic Port \* \* \* Artificial Port Wine," "Blackberry Cordial, Non-Intoxicating," and "Non-alcoholic Apricot \* \* \* Cordial," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the artificial port was an artificially colored and flavored beverage, with little or no fruit juices, containing benzoate of soda, the blackberry cordial consisted of sugar and phosphoric acid, flavored with cinnamon and benzaldehyde, and colored with caramel and a coal-tar dye, containing benzoic acid or a benzoate, the apricot cordial consisted of sugar and phosphoric acid, colored with caramel, and artificially flavored, containing benzoate of soda.

Adulteration of the artificial port was alleged in the information for the reason that it was a product preserved with and containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of benzoate of soda contained in said product, and for the further reason that a substance, to wit, benzoate of soda, had been substituted in part for artificial port wine which the article purported to be.

Misbranding of this article was alleged in substance for the reason that the statements, to wit, "Artificial Port Wine, Superfine Quality, Non-Alcoholic," together with a pictorial representation of grapes, other fruits, and a wine glass, borne on said label on the bottles containing the article, concerning which and the ingredients contained therein, were false and misleading in that said statements and said pictorial design represented to the purchaser thereof that said article was a product manufactured and produced of the same material, to wit, grapes and juice thereof, used in producing a real and natural wine, but so manufactured as to be non-alcoholic, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was a product manufactured from fruit juices, especially juice from grapes, prepared in such a manner as to be non-alcoholic, whereas, in truth and in fact, said article was not made from grapes or grape juice, or from any fruit or fruit juices, and the said article was not artificially made of the same material, to wit, grapes and the juice thereof, used in producing normal alcoholic wine, but was composed of and consisted essentially of a solution of sugar artificially colored and flavored and preserved with benzoic acid or benzoate of soda.

Adulteration of the blackberry cordial was alleged for the reason that it was a product preserved with and containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of benzoate of soda contained therein, and for the further reason that substances, to wit, a dilute sirup, phosphoric acid, benzaldehyde or oil of bitter almonds and spices, benzoate of soda, and an artificial coloring matter, had been substituted wholly or in part for blackberry cordial, non-alcoholic, which the article purported to be, and for the further reason that coloring substances, to wit, caramel and amaranth, had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding of this article was alleged in substance for the reason that the statement, to wit, "Blackberry Cordial," borne on the label on the bottles containing the article, concerning it and the ingredients contained therein, was false and misleading in that said statement represented to the purchaser thereof that said article was blackberry cordial having therein as the basic ingredient a major quantity of sirup of blackberry fruit, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was blackberry cordial as aforesaid, whereas, in truth and in fact, said article was not blackberry cordial but was a product composed of a dilute sugar sirup, flavored with phosphoric acid, benzaldehyde or oil of bitter almonds, containing benzoic acid or sodium benzoate, and little or an insufficient amount of the juice or sirup from blackberry fruit. Misbranding of this article was alleged in substance for the further reason that the article was a product composed of a dilute sugar sirup, flavored with phosphoric acid, benzaldehyde or oil of bitter almonds, containing benzoic acid or sodium benzoate, and having little or no juice or sirup from blackberry fruit therein, prepared in imitation of blackberry cordial, and was offered for sale under the distinctive name of another article, to wit, blackberry cordial, and for the further reason that the label on said bottles containing the article bore a pictorial representation of ripe blackberries which said representation constituted a design and device which was false and misleading to the purchaser of said article in that it represented that said article was made from ripe blackberries, whereas, in truth and in fact, it was not.

Adulteration of the apricot cordial was alleged for the reason that it was a product containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of said benzoate, and for the further reason that substances, to wit, a solution of sugar and phosphoric acid, artificially flavored and colored, containing benzoic acid or benzoate, had been substituted wholly or in part for apricot cordial which the article purported to be, and for the further reason that a coloring matter, to wit, caramel, had been added to and mixed with said article in a manner whereby its inferiority was concealed.

Misbranding of this article was alleged in substance for the reason that the statement, to wit, "Superfine Quality Apricot Cordial," borne on the labels on the bottles containing said article, concerning said article, was false and misleading in that said statement represented to the purchaser that said article contained the juice of or sirup made from apricot fruit, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was apricot cordial, whereas, in truth and in fact, said article did not contain any juice or sirup from apricot fruit, and was not apricot cordial, but consisted wholly or in part of a solution of sugar and phosphoric acid and benzoate of soda, artificially colored and flavored. Misbranding was alleged for the further reason that the labels on the bottles containing the article bore a pictorial representation of ripe apricots, which said representation constituted a design and a device which was false and misleading to the purchaser of said article in that it represented that said article was made from the juice or sirup of ripe apricots, whereas, in truth and in fact, it was not made from the juice or sirup obtained from apricots but was composed essentially of a solution of sugar, phosphoric acid, and benzoate of soda, artificially flavored and colored with caramel.

On August 26, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10818. Adulteration and misbranding of prepared mustard. U. S. v. 3 Barrels and 5 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 14880, 14881. I. S. Nos. 5041-t, 5042-t. S. No. E-3319.)

On April 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information against 8 barrels of prepared mustard, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Old Dutch Mustard Co., New York, N. Y., in part on or about February 1, 1921, and in part on or about February 10, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Dutch Mustard Grade 2-A \* \* \* Manufactured by Old Dutch Mustard Company, \* \* \* New York."

Adulteration of the article was alleged in the libels for the reason that substances, to wit, corn starch or corn meal and mustard hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for prepared mustard, which the said article purported to be, and for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the article in a manner whereby its damage and inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement, "Old Dutch Mustard," appearing in large, prominent type on the labels of the barrels containing the article, regarding the said article, not corrected by the relatively inconspicuous statement on the said label, to wit, "Compound—Mustard Seed, Bran, Corn, Spices, Vinegar, Turmeric, Salt, Benzoate of Soda Contents 7 Pints," was false and misleading when applied to an article containing added corn starch or corn meal and added mustard hulls, colored with turmeric, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure, unadulterated prepared mustard, whereas, in truth and in fact, it was not pure, unadulterated prepared mustard, but was a product adulterated by having added thereto corn starch or corn meal, mustard hulls, and turmeric. Misbranding was alleged for the further reason that the article was a product composed in part of added corn starch or corn meal and added mustard hulls, colored with turmeric, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, prepared mustard.

On July 20, 1921, Vadimir K. Kedovich and Elsy Kedovich, New York, N. Y., having entered their appearance as claimants for the property, and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimants upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*